

PILLSBURY WINTHROP SHAW PITTMAN LLP
DAVID M. FURBUSH # 83447

2475 Hanover Street
Palo Alto, CA 94304-1114
Telephone: (650) 233-4500
Facsimile: (650) 233-4545
david.furbush@pillsburylaw.com

RANAH L. ESMAILI # 233477
1540 Broadway
New York, NY 10036-4039
Telephone: (212) 858-1000
Facsimile: (212) 858-1500
ranah.esmaili@pillsburylaw.com

Attorneys for Defendants Atheros
Communications, Inc., Willy C. Shih,
Teresa H. Meng, Craig H. Barratt,
Andrew S. Rappaport, Dan A. Artusi,
Charles E. Harris, Marshall L. Mohr,
And Christine King

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOEL KRIEGER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

ATHEROS COMMUNICATIONS, INC.,
DR. WILLY C. SHIH, DR. TERESA H.
MENG, DR. CRAIG H. BARRATT,
ANDREW S. RAPPAPORT, DAN A.
ARTUSI, CHARLES E. HARRIS,
MARSHALL L. MOHR, CHRISTINE
KING, QUALCOMM INCORPORATED,
AND T MERGER SUB, INC.

Defendants.

No. 5:11-CV-00640-LHK(HRL)

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF THE ATHEROS
DEFENDANTS' MOTION TO
DISMISS**

Judge: Hon. Lucy H. Koh

Hearing Date: July 21, 2011

Hearing Time: 1:30 p.m.

Location: Courtroom 4, 5th Floor

Date Action Filed: February 10, 2011

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the undersigned defendants hereby request, pursuant
3 to Rule 201 of the Federal Rules of Evidence, that this Court take judicial notice of the
4 following documents which are attached as exhibits to the Declaration of Ranah L. Esmaili
5 in Support of the Atheros Defendants' Motion to Dismiss, filed herewith ("Esmaili
6 Declaration"):

7 1. Preliminary Proxy Statement filed by Atheros Communications, Inc. and
8 dated February 1, 2011, which is attached as Exhibit 1 to the Esmaili Declaration.

9 2. Definitive Proxy Statement filed by Atheros Communications, Inc. and
10 dated February 11, 2011, which is attached as Exhibit 2 to the Esmaili Declaration.

11 3. Definitive Additional Materials filed by Atheros Communications, Inc. and
12 dated March 7, 2011, which is attached as Exhibit 3 to the Esmaili Declaration.

13 4. The Order and Memorandum Opinion of the Delaware Court of Chancery,
14 dated March 4, 2011, in the action entitled *In re Atheros Comm., Inc. S'holder Litig.*, C.A.
15 No. 6124-VCN, which is attached as Exhibit 4 to the Esmaili Declaration.

16 5. The Order of the Delaware Court of Chancery, dated March 14, 2011, in the
17 action entitled *In re Atheros Comm., Inc. S'holder Litig.*, C.A. No. 6124-VCN, which is
18 attached as Exhibit 5 to the Esmaili Declaration.

19 6. The 8-K filed by Atheros Communications, Inc. and dated March 18, 2011,
20 which is attached as Exhibit 6 to the Esmaili Declaration.

21 7. The Court properly may take judicial notice of these Securities and
22 Exchange Commission filings and orders from other jurisdictions. *See* Fed. R. Evid. 201;
23 *Dreiling v. Am. Express Co.*, 458 F.3d 942, 946 n.2 (9th Cir. 2006); *United States ex rel.*
24 *Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992).

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1 Dated: April 11, 2011

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4 By /s/ David M. Furbush
David M. Furbush

5 Attorneys for Defendants Atheros
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